

FILED

## CONSENT ORDER

CAUSE NO. A-1847

DAVID NORMAN REPP, JR.,

RESPONDENT.

## JURISDICTION

2. Respondent is a licensed non-resident insurance producer whose current registered business and mailing address with the Nebraska Department of Insurance is 6830 La Jolla Blvd., #203, La Jolla, CA 92037, and whose registered home address is 330 Windmar Avenue, La Jolla, CA 92037. Respondent serves as the designated agent for Repp Gartner Financial, Inc., a licensed insurance agency.

## STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a Petition and Notice of Hearing styled State of Nebraska Department of Insurance vs. David Norman Repp, Jr., Cause No. A-1847 on September 2, 2009. A copy of the Petition and Notice of Hearing was provided to Respondent at his registered business and mailing address, 6830 La Jolla Blvd., #203, La Jolla, CA 92037, for service of process by certified mail, return receipt requested. A copy of the Petition and Notice of Hearing was also provided to Respondent at his registered home address, 330 Windmar Avenue, La Jolla, CA 92037, via regular United States mail.

2. Respondent allegedly violated NEB. REV. STAT. §§ 44-1525(11), 44-4059(1)(b) and 44-4059(1)(g) as a result of Respondent's failure to respond to written inquiries from the Department indicating unfair trade practices as follows:

- a. On March 30, 2009, Brenda B. ("Complainant") contacted the Department concerned that Respondent's voice-message system was mistakenly providing sensitive health and financial information of Respondent's clients to anyone attempting to reach Respondent by phone.
- b. On April 1, 2009, Scott Zager ("Zager"), Insurance Investigator for the Nebraska Department of Insurance, sent a letter of investigative inquiry via regular mail to Respondent at the registered business and mailing address of Respondent attempting to contact Respondent about the above-referenced complaint and specifically stating, "Nebraska Revised Statute 44-1525(11) requires response within fifteen working days."
- c. Respondent did not reply to Zager's investigatory letter of April 1, 2009, within fifteen (15) working days and to date has failed to provide a response.
- d. On May 4, 2009, Zager sent via certified mail, return receipt requested, a letter of investigative inquiry to Respondent. Zager's letter was mailed to Respondent's registered business and mailing address at 6830 La Jolla Blvd., #203, and specifically stated, "[e]nclosed are copies of correspondence previously sent. As of this date, a reply has not been received. Failure to respond to this Department within fifteen working days may be construed as an unfair trade practice, as provided by Nebraska Revised Statute 44-1525(11). Please consider this a request for your immediate response."

- e. On or around May 11, 2009, the return receipt card from the investigatory letter of May 4, 2009, was returned to the Department by the United States Postal Service indicating the investigatory letter was delivered on May 6, 2009. Respondent failed to respond to the investigatory inquiry within fifteen (15) working days and to date has failed to provide a response.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving the right to a public hearing, Respondent also waives the right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations stated in Paragraph 2 and has voluntarily taken all necessary action to respond fully to all inquiries previously submitted to him by the Department to ensure all concerns are appropriately addressed.

#### CONCLUSIONS OF LAW

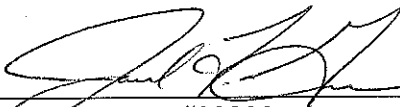
Respondent's conduct as alleged above constitutes a violation of NEB. REV. STAT. §§ 44-1525(11), 44-4059(1)(b), and 44-4059(1)(g) and is subject to disciplinary action pursuant to NEB. REV. STAT. § 44-4059(4).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, David Norman Repp, Jr., that Respondent shall pay an administrative fine in the amount of two hundred fifty dollars (\$250.00), due within 30 days after the Director of Insurance or her designee approves and signs this consent order.

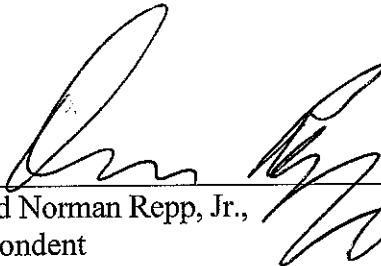
The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary. If Respondent fails, after the signing of this agreement, to pay the administrative fine as

required by this Consent Order, the Department may take additional administrative action including the revocation of Respondent's producer license. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his/her signature below.



Joel F. Green, #22900  
Attorney for Petitioner  
941 O Street, Suite 400  
Lincoln, NE 68508  
(402) 471-2201

10/2/2009  
Date



David Norman Repp, Jr.,  
Respondent

9/23/09  
Date

State of California )  
County of San Diego ) ss.

On this 23<sup>rd</sup> day of September, 2009, David Norman Repp, Jr. personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his/her voluntary act and deed.



Liz Martin  
Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. David Norman Repp, Jr., Cause No. A-1847.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

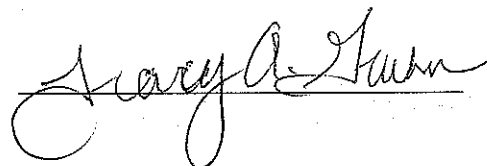
  
\_\_\_\_\_  
ANN M. FROHMAN  
Director of Insurance

10-7-09  
\_\_\_\_\_  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was served upon Respondent by sending a copy to Respondent's registered business and mailing address at 6830 La Jolla Blvd., #203, La Jolla, CA 92037, via certified mail, return receipt requested, on this 8<sup>th</sup> day of ~~September~~, 2009.

October I hereby further certify that a copy of the foregoing Consent Order was served upon Respondent by sending a copy to Respondent's registered home address at 330 Windmar Avenue, La Jolla, CA 92037, via regular United States mail on this 8<sup>th</sup> day of ~~September~~ October, 2009.

  
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Nancy A. Hawn